

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

1			
2			
3	---		
4	ePLUS, INC.,	:	
5		:	
6	Plaintiff,	:	
7	v.	:	Civil Action
8		:	No. 3:09CV620
9	LAWSON SOFTWARE, INC.,	:	
10		:	March 26, 2010
11	Defendant.	:	
12	---	:	

COMPLETE TRANSCRIPT OF **CONFERENCE CALL**
BEFORE THE HONORABLE ROBERT E. PAYNE
UNITED STATES DISTRICT JUDGE

APPEARANCES: (All via telephone)

Scott L. Robertson, Esq.
GOODWIN PROCTER
901 New York Avenue, NW
Washington, D.C. 20001

Craig T. Merritt, Esq.
Henry I. Willett, III, Esq.
CHRISTIAN & BARTON
909 E. Main Street, Suite 1200
Richmond, VA 23219-3095

Counsel for the plaintiff ePlus

DIANE J. DAFFRON, RPR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

1 APPEARANCES: (Continuing)

2 Daniel W. McDonald, Esq.
3 Joshua P. Graham, Esq.
4 MERCHANT & GOULD
5 3200 IDS Center
6 80 South Eighth Street
7 Minneapolis, MN 55402-2215

8 Dabney J. Carr, IV, Esq.
9 TROUTMAN SANDERS
10 Troutman Sanders Building
11 1001 Haxall Point
12 P.O. Box 1122
13 Richmond, VA 23218-1122

14 Counsel for Lawson Software

15

16

17

18

19

20

21

22

23

24

25

1 If you look at the permutations alone, Your
2 Honor, we're talking literally tens of thousands of
3 different permutations where I'm supposed to figure
4 out what they mean by a so-called system, what they
5 are specifically referencing it to. Are they
6 intending on bringing third party witnesses to enhance
7 and embellish on what the system is? I've been asking
8 that for months because I want to depose any third
9 parties, but they have never told me.

10 When they lump something together and say
11 then it renders it invalid under 102/103, and then
12 have a laundry list of about nine separate references,
13 what am I to infer from that?

14 THE COURT: What you're supposed to do is
15 object that they haven't complied with the Court order
16 and tell them that they haven't. And then if they
17 don't comply, bring it to the Court for decision on
18 that front instead of arguing about it.

19 Look, you, Mr. McDonald, have gone hog wild
20 and crazy with these references, and they are
21 inadequate. They just are. I've never seen any prior
22 art references, alleged invalidity references, as
23 crazy as this.

24 You're just going to have to pick --

25 MR. McDONALD: Well, Your Honor --

1 THE COURT: Wait a minute, Mr. McDonald. You
2 told me you were going to have seven or eight, and I
3 want you to do them like I said; claim-by-claim,
4 element-by-element. What is it that in the prior art
5 invalidates it? And then you take the page of the
6 prior art, and not only do you write it out, you
7 highlight it, and you hand it to them.

8 They don't have to answer anything until you
9 start doing it right and until you cut down your
10 references and make them specific. It's not
11 sufficient to tell somebody some saber system or some
12 whatever it is. I know that you said that you all
13 gave them the page number, but that's not enough.
14 That doesn't do what I asked you to do. You-all have
15 complicated the case unnecessarily.

16 MR. McDONALD: Beyond the page number, I put
17 the tabs in, Your Honor, which is more specific than
18 page number. We have column and line references
19 specifically to the tab.

20 THE COURT: But you didn't do it on a
21 claim-by-claim, element-by-element basis.

22 MR. McDONALD: That's Exhibit A, Your Honor,
23 to what we provided to you. It's a copy of our
24 invalidity contentions. And that's exactly what we
25 did. We have examples in there. We provided excerpts